

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed January 19, 2007 rejected claims 1-12. This is a full and timely response to that outstanding Office Action. Claims 1-12 remain pending.

I. Present Status of Patent Application

Claims 1-12 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Unger* (U.S. Patent Appl. No. 2003/0026423). These rejections are respectfully traversed.

II. Claim to Priority

The Office Action alleges that "Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120" because "all of the claims 1-12 are not solely directed to originally supported subject matter present in the parent application ... such as newly amended claims 1 and 7 'encrypting the selected digital bit stream according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method.'" (Emphasis added by Examiner.) See *Office Action*, page 3.

However, as one of ordinary skill in the art would understand, an instance may be sent with multiple EMMs as provided in at least one non-limiting exemplary embodiment on pages 42 and 43 of the specification. A stream can be encrypted according to a first encryption method with a first EMM such that the stream is encrypted according to a near video on demand encryption method (NVOD) and encrypted according to a second encryption method with a

second EMM such that the stream is encrypted according to a pay per view method (PPV). This language is present in the chain of parent applications, such as in the instant application as provided above, and in columns 27 and 28 of U.S. Pat. No. 6,252,964, which has a filing date of January 20, 2000.

Therefore, Applicants respectfully submit that the disclosure does provide support for the cited claim language, and the claims comply with the conditions under 35 U.S.C. 120 for receiving the benefit of an earlier filing date.

III. Rejections Under 35 U.S.C. §102(e)

The Office Action rejects claims 1-12 under 35 U.S.C. §102(e) as allegedly being anticipated by *Unger* (U.S. Patent Appl. No. 2003/0026423). Since claims 1-12 receive the benefit of the earlier filing date of at least January 20, 2000 from U.S. Pat. No. 6,252,964, Applicant respectfully submits that *Unger* is not a valid reference under 35 U.S.C. §102(e). Therefore, for at least this reason, Applicant respectfully submits that the rejection of claims 1-12 under *Unger* should be withdrawn.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-12 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 38,962

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500